

AO 91 (Rev. 11/11) Criminal Complaint

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UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States Court
Southern District of Texas
FILED

NOV 20 2017

David J. Bradley, Clerk of Court

United States of America

v.

Don Kentrell Gaines

Case No.

H17-1791

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 11, 2017 in the county of Harris in the
Southern District of Texas, the defendant(s) violated:

Code Section

18 U.S.C §1201

Offense Description

Kidnapping

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.



Complainant's signature

Sophia M. Curtis, U.S. Postal Inspector

Printed name and title

Sworn to before me and signed in my presence.

Date: November 20, 2017

City and state: Houston, Texas



Judge's signature

Frances Stacy, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Sophia Curtis, being duly sworn, depose and state the following:

I am a United States Postal Inspector with the Postal Inspection Service, and have been since February 2014. I am currently assigned to the Violent Crimes Team in Houston, Texas. As part of my official duties, I investigate robberies of United States Postal Service ("USPS") employees, including mail carriers; burglaries of USPS vehicles and facilities; work place violence incidents to include assaults, sexual assaults, threats, and harassment; and other violations of federal and state laws affecting the USPS and/or the United States Mails.

I am making this Affidavit in support of Criminal Complaint to be presented to the United States District Court for the Southern District of Texas in the matter of United States v. **Don GAINES**, DOB: 11/05/1987

VIOLATION:

This complaint charges that Don GAINES, the defendant, did unlawfully seize, confine, kidnap, abduct, and carry away Gayla Roy, without her consent, from Texas to Louisiana for a purpose, namely, to dispose of her body or to kill her, in violation of 18 U.S.C. Title 18 U.S.C. §1201 (Kidnapping).

I base this information in part on my personal investigation and upon facts provided by witnesses, which have proven to be true and correct through independent investigation. The evidence also includes a detailed statement provided

to agents by Mr. GAINES during which he confessed to kidnapping and killing Ms. Roy.

PROBABLE CAUSE

SUMMARY:

On or about September 19, 2017, Don GAINES gave a voluntary recorded statement to Federal agents about the kidnapping and murder of Gayla Roy, who was reported missing on or about September 12, 2017. According to the statement of GAINES, on or about Monday, September 11, 2017, in or around Houston, Southern District of Texas, he choked Ms. Roy in her car (a black Lincoln MKZ). GAINES believed she was dead and then, either in transit to Louisiana or in Louisiana, Ms. Roy regained consciousness. At that time, GAINES continued to transport her against her will. During this trip, GAINES claimed that he stopped the car along the feeder road of Interstate 10 and took Ms. Roy into the woods where he shot her in the head with a firearm and abandoned her body.

DETAILS OF THE INVESTIGATION:

On or about Wednesday, September 13, 2017, Houston Division Postal Inspectors were notified by United States Post Office ("USPS") management that employee, Gayla Roy, was reported missing by her family. According to USPS management, Ms. Roy is employed at the USPS Houston plant and distribution

center located at 4600 Aldine Bender Rd., Houston, Southern District of Texas and she had not reported to work for two days.

On the same date, Affiant contacted Ms. Roy's brother, Nicholas Roy, who advised that his sister lived with him at 5050 Sunflower, Houston, TX. Nicholas Roy stated that he last saw her before she went to work on Sunday, September 10, 2017 around 9:00 p.m. Mr. Nicholas explained that his sister drives a 2011 black Lincoln and she works at the USPS plant with Don GAINES, who is the father of her two children. At that time, Mr. Nicholas provided investigators with Don GAINES' telephone number and the address of his parents' home, where GAINES also resided, at 12914 Stillington Dr., Houston, TX.

On September 13, 2017, Inspectors reviewed surveillance video of the United States Post Office Houston plant and distribution center located at 4600 Aldine Bender Rd. Inspectors observed that Ms. Roy and GAINES both exited the turnstile¹ at the Houston plant on Monday, September 11, 2011 at 6:49 a.m. The location of the turnstile is the last point of exit from the building and leads to an employee parking lot. Inspectors reviewed USPS parking lot surveillance video and observed a black 2011 Lincoln MKZ², Texas license plate JSZ1087, exit the gate on Monday,

¹ The turnstile is a gate that allows employees to pass through one at a time and has a USPS badge reader that is associated to each employee.

² Affiant determined through the investigation that license plate JSZ1087 was black Lincoln MKZ known to be driven by Gayla Roy.

September 11, 2017 at 6:52 a.m. GAINES told Inspectors in an interview that Ms. Roy drove her Lincoln MKZ and he was the passenger.

During the course of the investigation, Inspectors met with family members and friends of Ms. Roy and learned that she has two children and Don GAINES is the father. Family members advised that Ms. Roy would never leave her children for days without checking on them. Family members also claimed that GAINES has physically assaulted Ms. Roy in the past.

INVESTIGATION INTO DON GAINES

On Wednesday, September 13, 2017, Inspectors met with Marcia Powell, GAINES' mother, and Ed Powell, GAINES' step-father, at their residence located at 12914 Stillington Dr., Houston, TX 77015.

Mrs. Powell advised that GAINES recently moved in to her home and that she saw GAINES on Monday morning, September 11, 2017. Mrs. Powell advised that GAINES came into the house alone, but she saw Gayla Roy's black Lincoln MKZ parked in the driveway behind hers. Mrs. Powell claimed that she did not see Ms. Roy.

Mrs. Powell advised that after she unlocked the front door to let Gaines in Monday morning (September 11, 2017), she observed that GAINES' bedroom door was closed. Mrs. Powell advised that at approximately 11:00 a.m., she noticed that

GAINES was not home, his bedroom door was now open and Ms. Roy's Lincoln MKZ was no longer in the driveway.

Mrs. Powell told investigators that she had not seen her son, since possibly Tuesday evening, September 12, 2017, after he borrowed his step-father's Toyota Scion, Texas license plate GLJ-9460. Mrs. Powell advised that Mr. Powell is the registered owner of the Toyota Scion.

During his conversation with Investigators, Mr. Powell advised that GAINES borrowed his Toyota Scion before, but always returned it the next day. Moreover, Mr. Powell said that GAINES was supposed to return the car by Wednesday, so that Mr. Powell could go to work because the Toyota Scion is their only method of transportation.

EFFORTS TO LOCATE GAYLA ROY's VEHICLE

During the course of the investigation, Inspectors reviewed a variety of databases and records to locate Ms. Roy's vehicle, which was believed to be in the possession of GAINES. Inspectors obtained location data on Ms. Roy's black Lincoln MKZ through a GPS device installed by the dealership. At 7:30 a.m. on September 11, 2017, the GPS device on Ms. Roy's black Lincoln MKZ placed the vehicle in the immediate area of GAINES' residence.

Investigators reviewed the GPS device data for Ms. Roy's vehicle in detail and found that on September 11, 2017 the black Lincoln MKZ traveled from the area

of GAINES residence to an area near Iowa, Louisiana on Interstate 10 and then returned to Houston. Specifically, at 7:59 a.m., the GPS device on Ms. Roy's Lincoln MKZ showed that it traveled east on Interstate 10 near Wallisville, TX. At approximately 9:26 a.m., the Lincoln MKZ continued on Interstate 10 near the intersection of Highway 383 in Iowa, LA. Within an hour, the GPS device showed Ms. Roy's Lincoln MKZ s traveling west on Interstate 10, back towards Houston, TX.

The GPS device records showed that on September 11, 2017, from approximately 2:27 p.m. and continuing for almost seven hours, Ms. Roy's Lincoln MKZ was stationary near the City Crossing Apartments located at 12800 Woodforest Blvd., Houston, TX 77015. This address is located less than a half mile from GAINES' residence.

According to GPS device records, on Monday, September 11, 2017, at approximately 9:30 p.m., Ms. Roy's Lincoln MKZ traveled to 3300 Yorktown, Houston, TX 77056, and remained at that location until it was recovered by Inspectors on Thursday, September 14, 2017 at 5:28 p.m.

EFFORTS TO LOCATE GAINES

As discussed earlier, GAINES' mother advised that GAINES borrowed his step-father's Toyota Scion, possibly Tuesday evening, and had not returned by the time she was interviewed on September 13, 2017.

An examination of the Louisiana State Analytical and Fusion Exchange (LASAFE), which reads license plates, showed that GAINES' step-father's Toyota Scion left Texas and was travelling eastbound. The LASAFE records showed the Toyota Scion was captured by cameras twice on Tuesday, September 12, 2017; first, at 7:25 p.m., traveling east on Interstate 10 near Vinton, LA; and again at 9:06 p.m., east on Interstate 10 near Breaux Bridge, LA.

GAINES' T-Mobile phone data revealed that he traveled the same eastbound pattern as the Toyota Scion, along Interstate 10. According to GAINES' T-Mobile phone data, on Tuesday, September 12, 2017, at 11:32 p.m., GAINES' phone was pinging near New Orleans, LA, and on Wednesday, September 13, 2017 at approximately 3:00 a.m., GAINES' phone was pinging near Pensacola, FL.

According to USPS employee records, GAINES was scheduled to return to work on Tuesday night, September 12, 2017. However, GAINES did not return to work and he did not return home.

APPREHENSION OF GAINES

On Monday, September 18, 2017, at approximately 2:10 p.m. Eastern Standard Time, Inspectors received an alert after an image of the Toyota Scion was captured on a camera in a Kroger parking lot in Atlanta, GA. Inspectors, from the Atlanta Division, set up surveillance at the location and saw an individual return to

the car. Law enforcement officers identified GAINES and arrested him for an active Harris County, Texas felony warrant.³

INTERVIEWS OF GAINES

On or about September 19, 2017, Don GAINES gave a voluntary recorded statement to Federal agents regarding the kidnapping and murder of Gayla Roy. According to GAINES's statement, on or about Monday, September 11, 2017, in or around Houston, Southern District of Texas, Mr. GAINES choked Ms. Roy in her car (a Lincoln MKZ) near his mother's house. He stated that he grabbed her and held her too long. GAINES stated that he believed she was dead and he panicked. GAINES said he panicked because he knew that he had a warrant for doing the same thing to another girl.⁴

GAINES stated that he drove Ms. Roy's car and that she regained consciousness during the trip. GAINES stated that during the drive, sometimes they argued back and forth, sometimes they wouldn't argue, and sometimes they were apologizing. Later, they pulled over and stopped.

During the interview GAINES agreed that Ms. Roy was dead and that her body was somewhere in the woods. He agreed that he stopped the car along the

³ Assault of Family Member-Impeding Breath- that was issued on June 23, 2017, in connection with a separate assault of a second female victim. The warrant was not related to the Gayla Roy investigation.

⁴ Affiant notes that this information was confirmed through Harris County records and that Gains was arrested on the outstanding warrant for the assault in Atlanta.

feeder road of Interstate 10 and he walked Ms. Roy into the woods where he shot her. GAINES specifically stated that he shot her one time and he agreed that he left her in the woods. Investigators asked GAINES, if he covered the body and he responded, "I should have, but I didn't."

During interviews on September 19 and September 20, 2017, investigators questioned GAINES about the gun that he used to kill Ms. Roy in the woods. Investigators asked GAINES when he obtained the gun during the encounter with Ms. Roy. GAINES responded that he always carried a gun, but it was in the car during the time he was at work at the post office. When investigators asked about the present location of the gun, GAINES stated that he sold the murder weapon at a convenience store in Houston.

DISCOVERY OF REMAINS OF GAYLA ROY

Based upon the interview of GAINES and the locational data from Ms. Roy's vehicle, Investigators were able to trace the travel of the Lincoln from GAINES' mother's house to Louisiana. The locational data also showed places where the Lincoln stopped for periods of time. Consequently, search teams explored the sites and found the ribcage and other skeletal remains of a small human.

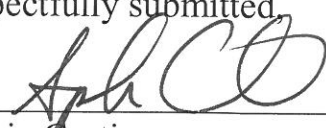
A forensic team conducted the recovery of the bones and as the search expanded, a skull was identified. The small skull had, what appeared to be, a single bullet hole in the back of the brain casing.

The forensic team was able to recover DNA⁵ from the remains. Investigators also obtained Gayla Roy's toothbrush from a family member. A comparison of the DNA from the bones with the DNA recovered from the toothbrush confirmed that the skeletal remains were those of Gayla Roy.

CONCLUSION

Affiant has probable cause to believe that Don GAINES choked Gayla Roy in the Southern District of Texas and unlawfully seized, confined, kidnapped, abducted, and carried her to Louisiana. Gayla Roy was transported against her will to an area where she was shot in the back of the head and her body was abandoned by Don GAINES. All in violations of Title 18 U.S.C. §1201 (Kidnapping).

Respectfully submitted,



Sophia Curtis
United States Postal Inspector

Subscribed and sworn to before me on November 20, 2017,
2017 and I find probable cause.



Honorable Frances Stacy
UNITED STATES MAGISTRATE JUDGE

⁵ DNA is Deoxyribonucleic acid, which is a molecule that carries the genetic instructions for an individual. Forensic scientists can use DNA found at a crime scene to identify matching DNA of an individual. In DNA identification, the lengths of variable sections of repetitive DNA are compared between people to make the identification.